



Atlantic Fleet Weapons Training Area Site/Vieques Federal Facility Agreement

Community Update

March 2008

The Federal Facility Agreement for Vieques was negotiated between government agencies under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly called the Superfund law. The agreement is between the Navy as the prior owner of the facility; EPA, the federal agency overseeing the cleanup; the Fish and Wildlife Service, which is the current owner of the property; and EQB, the Puerto Rico regulatory agency under Superfund.

The agreement, proposed in late September 2007, was released for a 45-day public comment period. The federal and Commonwealth agencies considered the comments they received and addressed them in a Response to Comments document. The agreement, finalized in March 2008, governs the cleanup process under two federal environmental laws, CERCLA and the Resource Conservation and Recovery Act (RCRA).

The Federal Facility Agreement between the U.S. Environmental Protection Agency (EPA), the U.S. Navy, the Fish and Wildlife Service of the Department of the Interior, and the Puerto Rico Environmental Quality Board (EQB) sets forth agency roles and responsibilities for the investigation and cleanup of the portion of the Atlantic Fleet Weapons Training Area site on Vieques, Puerto Rico.

HISTORY AND BACKGROUND

Areas of Vieques were used by the Navy for training from the 1940s until May 1, 2003, when the Navy ceased all military operations on the island and transferred the property to the Fish and Wildlife Service. Various areas of the eastern and western sides of the island may be contaminated by solid and hazardous waste resulting from decades of military activity including training exercises, equipment maintenance, supply storage and waste disposal.

The Atlantic Fleet Weapons Training Area site was designated to the National Priorities List (NPL) of the country's most hazardous waste sites in February 2005 by a special act of the governor of Puerto Rico. Federal law requires that an agreement be executed to establish an administrative process for cleaning up the site. Prior to the inclusion of the site on the NPL, environmental investigations of potentially contaminated areas of the island were being performed by the Navy, with EPA oversight, under RCRA.

KEY ELEMENTS OF THE AGREEMENT

- Ensure that the Navy thoroughly investigates environmental impacts associated with past and present activities at the site and takes appropriate action to protect public health, welfare, and the environment;
- Establish a framework and schedule for developing, implementing, and monitoring the investigation and cleanup;

For more information about the Atlantic Fleet Weapons Training Area site, visit the EPA Vieques Field Office at Vieques Office Park, Carretera #200, km 0.4, or contact:

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To obtain a copy of the Federal Facility Agreement (and the agency's Response to Comments on the agreement) go to: <http://www.epa.gov/region02/vieques>.

Or call our Superfund
Toll-Free Hotline @1-800-346-5009

- Facilitate cooperation and an exchange of information among the Navy, EPA, Fish and Wildlife and EQB; and
- Set forth processes for the timely review of documents and the resolution of disputes.

The agreement calls for the development of a site management plan governing activities such as investigation and cleanup work and sampling; it will be updated annually and undergo rigorous review by the cooperating parties. Documents related to work at the site will be shared with the public and certain key documents will be circulated for public review and comment before they become final.

A detailed section of the agreement covering dispute resolution ensures that any disagreements that cannot be resolved by site project managers will be elevated to more senior officials within the agencies for prompt and responsible resolution. This process will keep the project on track and minimize delays. Funding issues are also addressed in the agreement by provisions that offer opportunities for the agencies to provide input into the Navy's budget process, and address budgetary changes or shortfalls.

IMPORTANCE OF COMMUNITY

In a continuing effort to promote meaningful community participation and ensure that the public is kept informed, the agreement reinforces the commitments to strong community involvement set forth in the June 2007 Community Involvement Plan for the site. The plan, which details a set of tools designed to encourage information sharing, collaboration and public engagement, was developed with input from the public and submitted for public review and comment. Consistent with the plan and federal regulations, the Navy and a local community member co-chair a Restoration Advisory Board (RAB) -- similar to a community advisory group -- that meets periodically for updates and discussion of the technical aspects of the cleanup. The Navy is helping members of the RAB better understand the complex scientific and engineering issues related to hazards at the site and the cleanup by providing independent technical assistance through its Technical Assistance for Public Participation program.